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09/633,766	08/07/2000	Cary Lee Bates	ROC9-2000-0073	. 3706
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MARTIN & ASSOCIATES, LLC			EXAMINER	
P O BOX 548 CARTHAGE, MO 64836-0548			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2684	<u></u>
			DATE MAILED: 01/16/2003	i

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
5 1	09/633,766	BATES ET AL.				
Office Action Summary	Examiner	Art Unit				
	Stephen M. D'Agosta	2684				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with th	ne correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b). Status	136(a). In no event, however, may a reply by the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS to account the application to become ABAND	e timely filed days will be considered timely. from the mailing date of this communication. DNED (35 U.S.C. § 133).				
Responsive to communication(s) filed on						
, <u> </u>	mis action is non-final.					
Since this application is in condition for allow closed in accordance with the practice under	ance except for formal matters					
Disposition of Claims	Ex parte Quayre, 1935 C.D. 1	1, 400 O.G. 210.				
4) Claim(s) is/are pending in the applicati						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-22</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers						
9) The specification is objected to by the Examine		*				
10) The drawing(s) filed on is/are: a) acce						
Applicant may not request that any objection to the 11) The proposed drawing correction filed on						
If approved, corrected drawings are required in re		proved by the Examiner.				
12) The oath or declaration is objected to by the Ex						
,	Adminor.					
Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreig	n priority under 35 H S C & 11	9(a) (d) or (f)				
a) ☐ All b) ☐ Some * c) ☐ None of:	in priority under 55 5.5.5. § 11	3(a)-(a) or (i).				
	te have been received					
 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bu * See the attached detailed Office action for a list	ureau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for domest	tic priority under 35 U.S.C. § 1	19(e) (to a provisional application).				
 a) The translation of the foreign language pr 15) Acknowledgment is made of a claim for domes 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:						

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01)

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

<u>Claims 1, 6-7, 9, 12, 16-17 and 19</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi et al. U.S. Patent 5,978,689 in view of Dias et al. U.S. Patent 6,122,011 (hereafter referred to as Tuoriniemi and Dias).

As per claims 1 and 12, Tuoriniemi teaches a portable communication and audio system supporting a digital satellite radio (DSR)) receiver (C13, L3-40) which can receive a plurality of music/news programs/channels and radiotext that identifies music, name of performer, change of program, etc. (C13, L40-57) [eg. A processor that receives a plurality of DSR radio signals on a plurality of channels, each including a radio program and identifying information related to the and outputting audio information corresponding to the program in one of the DSR signals corresponding to the selected channel]. The examiner notes that the applicant's specification points much of this out (page 2, L19-22) as does the Xmradio.com website

But is silent on a display that displays information regarding at least one channel that is not selected wherein the displayed information is derived from the indentifying information for the at least one channel that is not the selected channel.

Dias teaches a television channel map that allows a TV viewer to watch a program and simultaneously display information regarding at least one channel that is not selected along with identifying information (figure 2, "video" is the TV channel currently being viewed and #20 is the channel map of other channels/programs available which are not viewed/selected. Figure 4 shows a similar implementation too). One skilled in the art would adapt this capability of viewing/listening to one channel while being able to see other non-selected channels for radio.

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the system displays at least one channel that is not selected, to provide means for a user to simultaneously listen to one station/song while viewing if there is another station/song they prefer to switch to.

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As per claims 6 and 16, Tuoriniemi teaces claim 1 wherein the display further displays information regarding the selected channel, wherein the displayed information regarding the selected channel is derived from the indentifying information from the selected channel (C13, L52-54 teaches radiotext that is displayed).

As per claims 7 and 17, Tuoriniemi teaces claim 1 wherein the displayed information includes a title for the radio program (C13, L52-54 teaches radiotext that identifies music, name of performer, change of program, etc. which encompasses title of radio program).

As per **claims 9 and 19**, Tuoriniemi teaces claim 1 wherein the displayed information includes artist and song title (C13, L52-54 teaches radiotext that identifies music, name of performer, change of program, etc. which encompasses title of radio program).

<u>Claim 2</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi/Dias in view of Shigematsu et al. U.S. Patent 5,416,774 (hereafter referred to as Shigematsu).

As per **claim 2**, Tuoriniemi teaches claim 1 **but is silent on** further comprising memory coupled to the satellite radio processor, the memory containing at least one channel preset.

While a radio receiver is known to have memory presets, **Shigematsu** teaches a digital broadcast receiver (title) that supports DSR (C1, L10-20) with a display that has selection buttons to recall channel presets from memory (figure 7, #52). The examiner notes that Shigematsu teaches a more stationary receiver while a more mobile receiver is taught by Tuoriniemi.

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that memory contains at least one preset, to provide means for a user to quickly select their preferred stations from all available stations.

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<u>Claims 3-4, 10-11, 13-14 and 20-21</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi/Dias/Shigematsu in view of Yuen et al. U.S. Patent 6,239,794 (hereafter referred to as Yuen).

As per claims 3 and 13, Tuoriniemi teaces claim 2 but is silent on wherein the memory further contains a list of favorite channels, wherein the at least one channel that is not selected is in the list of favorite channels.

Yuen teaches a television tuning system and controller that provides memory to store favorite channels (abstract). This teaching along with Dias' teaching in claim 1 would provide motivation for multiple favorite channels in a list wherein the at least one channel is not selected.

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the memory contains a favorites list, to provide means for the user to simultaneously listen to a radio program/song and view other programs/songs available which may be among their favorites list.

As per claims 4 and 14, Tuoriniemi teaces claim 3 but is silent on wherein the list of favorite channels is at least partially defined by the at least one channel preset.

Yuen teaches that memory contains a favorite channel list that includes a list of channel identifiers, each channel identifier corresponding to one of a subset of the set of channels received by the tuner (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the list of favorite channels is at least partially defined by the at least one channel preset, to provide means for one channel preset to bring up a listing of favorites that can be associated with that preset (eg. several JAZZ stations can be viewed based upon selecting that one channel preset button).

As per claims 10 and 20, Tuoriniemi teaches a portable communication and audio system supporting a digital satellite radio (DSR)) receiver (C13, L3-40) which can receive a plurality of music/news programs/channels and radiotext that identifies music, name of performer, change of program, etc. (C13, L40-57) [eg. A processor that receives a plurality of DSR radio signals on a plurality of channels, each including a radio program and identifying information related to the and outputting audio information corresponding to the program in one of the DSR signals corresponding to the selected channel]. The examiner notes that the applicant's specification points much of this out (page 2, L19-22) as does the Xmradio.com website,

- Information displayed includes a title for the radio program and time remaining (C13, L52-54 teaches radiotext that identifies music, name of performer, change of program, etc. which encompasses title of radio program).

But is silent on

- A display that displays information regarding at least one channel that is not selected wherein the displayed information is derived from the identifying information for the at least one channel that is not the selected channel.

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- memory containing at least one preset and a list of favorites wherein the at least one channel that is not selected is in the list of favorites

Dias teaches a television channel map that allows a TV viewer to watch a program and simultaneously display information regarding at least one channel that is not selected along with identifying information (figure 2, "video" is the TV channel currently being viewed and #20 is the channel map of other channels/programs available which are not viewed/selected. Figure 4 shows a similar implementation too). One skilled in the art would adapt this capability of viewing/listening to one channel while being able to see other non-selected channels for radio.

While a radio receiver is known to have memory presets, **Shigematsu** teaches a digital broadcast receiver (title) that supports DSR (C1, L10-20) with a display that has selection buttons to recall channel presets from memory (figure 7, #52). The examiner notes that Shigematsu teaches a more stationary receiver while a more mobile receiver is taught by Tuoriniemi.

Yuen teaches a television tuning system and controller that provides memory to store favorite channels (abstract). This teaching along with Dias' teaching in claim 1 would provide motivation for multiple favorite channels in a list wherein the at least one channel is not selected. Yuen also teaches the memory contains a favorite channel list that includes a list of channel identifiers, each channel identifier corresponding to one of a subset of the set of channels received by the tuner (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the display shows at least one channel not selected and is in the favorites list and memory containing one preset which is associated the list of favorites, to provide means for the user to simultaneously listen to a radio program/song and view other programs/songs available and which may be in their favorites list.

As per **claim 11**, Tuoriniemi teaces claim 10 wherein the displayed information includes artist and song title (C13, L52-54 teaches radiotext that identifies music, name of performer, change of program, etc. which encompasses title of radio program).

As per **claim 21**, Tuoriniemi teaches claim 20 **but is silent on** further comprising memory coupled to the satellite radio processor, the memory containing at least one channel preset.

While a radio receiver is known to have memory presets, **Shigematsu** teaches a digital broadcast receiver (title) that supports DSR (C1, L10-20) with a display that has selection buttons to recall channel presets from memory (figure 7, #52). The examiner notes that Shigematsu teaches a more stationary receiver while a more mobile receiver is taught by Tuoriniemi.

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that memory contains at least one preset, to provide means for a user to quickly select their preferred stations from all available stations.

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<u>Claims 5 and 15</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi/Dias/Shigematsu/Yuen in view of Alexander et al. U.S. Patent 6,177,931 (hereafter referred to as Alexander).

As per claims 5 and 15, Tuoriniemi teaces claim 3 but is silent on wherein the list of favorites is determined by the processor according to which channels are listened to most frequently.

Alexander teaches a viewer profile which is based upon the a person's viewing habits (eg. which shows they watch more frequently than others) and giving them a higher precedence over others in the viewing list AND/OR automatically tuning the TV to that show when it is on (C30, L45-67, see Nick at Night reference).

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the list of favorites is determined by the processor according to channels more frequently listened to, which provides means for the system to customize itself based upon the listening habits of the user.

<u>Claims 8, 18 and 22</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Tuoriniemi/Dias in view of Alexander et al. U.S. Patent 6,177,931 (hereafter referred to as Alexander).

As per claims 8 and 18, Tuoriniemi teaces claim 1 but is silent on wherein the displayed information includes time remaining for the radio program. Tuoriniemi teaches radiotext that identifies music, name of performer, change of program, etc., where the examiner interprets "etc." to include time remaining).

Dias teaches television channel mapping that shows when a show starts and how long it runs (figure 5, #1254 shows a TV show starting at 6pm which lasts for 30minutes).

Alexander teaches a television display which shows how long a program lasts (figure 1 shows "PRIME TIME LIVE" with start/end times above it). Since one watches TV and shows last for at 30minutes, it is prudent to show start/end times. Radio is not watched and songs are typically much shorter, hence one skilled in the art would more likely choose to show time remaining for the program/song.

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the displayed information includes time remaining, to provide means for the user to decide – based on time remaining - whether to keep listening to the station/song or change the channel.

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As per claim 22, Tuoriniemi teaces claim 20 but is silent on wherein the list of favorites is determined by the processor according to which channels are listened to most frequently.

Alexander teaches a viewer profile which is based upon the a person's viewing habits (eg. which shows they watch more frequently than others) and giving them a higher precedence over others in the viewing list AND/OR automatically tuning the TV to that show when it is on (C30, L45-67, see Nick at Night reference).

It would have been obvious to one skilled in the art at the time of the invention to modify Tuoriniemi, such that the list of favorites is determined by the processor according to channels more frequently listened to, which provides means for the system to customize itself based upon the listening habits of the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. XMradio material found at Xmradio.com website.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist on 703-306-0377.

SMS / Cotober 17, 2002

DANIEL HUNTER

SUBSTRUCTORY PATENT EXAMINER

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